



UNITED STATES PATENT AND TRADEMARK OFFICE

Oh

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,842	01/29/2004	Adam L. Cohen	06530.0320	2337

7590 02/14/2005

Finnegan, Henderson, Farabow
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

KASZTEJNA, MATTHEW JOHN

ART UNIT	PAPER NUMBER
----------	--------------

3739

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,842

Applicant(s)

COHEN ET AL. *CH*

Examiner

Matthew J Kasztejna

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The drawings are objected to because the reference numerals of Figs 1-5 are handwritten. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-46 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,920,953 to McGown.

In regards to claims 1 and 24, McGown discloses an endoscope cap comprising: a first accommodating portion 16 having a first configuration corresponding to an interface of a first endoscope; and a second accommodating portion 18 having a second configuration corresponding to an interface of a second endoscope, the first configuration being different than the second configuration (see Col. 3, Lines 1-10). Furthermore, the main body 10 includes a first flange 32 and a second flange to aid in retaining an interface of a first and second endoscope, respectively (see Col. 3, Lines 30-34).

In regards to claims 2-3 and 25-26, McGown discloses an endoscope cap further comprising a third accommodating portion 12 having a third configuration corresponding to an interface of a third endoscope, the first configuration and the second configuration being different than the third configuration. Furthermore, McGown discloses a cap wherein the first and second accommodating portions are on a first side 10 of the endoscope channel cap and the third accommodating portion is on a second side of the endoscope channel cap (see Fig. 1 and Col. 3, Lines 6-10).

In regards to claims 4-9 and 27-32, McGown discloses an endoscope cap wherein the first accommodating portion is on a first side of the endoscope channel cap and the second accommodating portion is on a second side of the endoscope channel cap (see Fig. 1 and Col. 3, Lines 1-17).

In regards to claims 10-15 and 33-38, McGown discloses an endoscope cap further comprising at least one seal 20 to prevent fluid communication therethrough and is configured to accommodate an endoscopic instrument therethrough wherein the cap is capable of receiving the endoscopic instrument from either end of the seal (see Col. 3, Lines 18-34). Furthermore, the seal is configured to conform to an outer geometry of the endoscopic instrument extending therethrough and is normally closed (see Col. 1, Lines 30-55).

In regards to claims 16-17 and 39-40, McGown discloses an endoscope cap wherein the seal includes two seals 20 and 56 each configured to accommodate the endoscopic instrument therethrough (see Col. 3, Line 66 – Col. 4, Line 8).

In regards to claims 18 and 41, McGown discloses an endoscope cap wherein the first accommodating portion has a substantially annular shape (see Fig. 1).

In regards to claims 19 and 42, McGown discloses an endoscope cap wherein the first accommodating portion has a substantially circular shape (see Col. 3, Lines 6-10).

In regards to claims 20 and 43, McGown discloses an endoscope cap further comprising a curved portion configured to be gripped (see Fig. 1).

In regards to claims 21-22 and 44-45, McGown discloses an endoscope cap wherein the first accommodating portion has a guide portion, wherein the guide portion includes a tapered portion (see Col. 3, Lines 26-30).

Art Unit: 3739

In regards to claims 23 and 46, McGown discloses an endoscope cap wherein the first accommodating portion is configured to not receive the interface of the second endoscope (see Col. 3, Lines 1-6).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,663,598 to Carrillo, Jr. et al.

U.S. Patent No. 6,053,861 to Grossi

U.S. Patent No. 4,809,679 to Shimonaka et al.

U.S. Patent No. 4,649,904 to Krauter

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Kasztejna whose telephone number is (571) 272-6086. The examiner can normally be reached on Mon-Fri, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3739

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJK

MJK

2/2/05

Beverly M. Flanagan
BEVERLY M. FLANAGAN
PRIMARY EXAMINER